

Nicole Dorman

From: Jennifer Frushour Bean <jfb@millerlawpc.com>
Sent: Monday, December 30, 2013 3:40 PM
To: Nicole Dorman
Cc: Marc Lipton (Marc@liptonlaw.com)
Subject: RE: Liberty Industries

Ms. Dorman,

To follow up on my December 22 email below, I am writing to let you know that the PSC is not willing to waive Liberty's \$3000 fee to access the non-medical document repository. Once payment is received, I can assist you in gaining access to the repository.

Also, can you please let us know when we may expect a response regarding the outstanding issues outlined in the email below related to Liberty's response to Mr. Lipton's November 26, 2013 letter?

Thank you,

Jennifer Frushour Bean, Esq. | Associate

The Miller Law Firm, P.C. | 950 West University Drive, Suite 300, Rochester, MI 48307

Office: 248.841.2200 | Direct Dial: 248.609.7612 | Fax: 248.652.2852

www.millerlawpc.com

From: Jennifer Frushour Bean
Sent: Sunday, December 22, 2013 12:05 PM
To: ndorman@rosekallor.com
Cc: Marc Lipton (Marc@liptonlaw.com)
Subject: Liberty Industries

Ms. Dorman,

Your request is being considered by the PSC, and I will let you know what the PSC can do regarding access to documents and costs associated with same as soon as I receive more information.

In addition, in your December 5 letter, you state in response to document request section III(a) that "Documents reflecting communications with subcontractors, to the extent they exist, were included in the documents previously disclosed by Liberty when it turned over all of its files and records relating to NECC and/or Ameridose. Liberty's principal subcontract was for construction of the walls of the respective cleanrooms. Please note that Victory Heating and Air Conditions was not Liberty's subcontractor. Rather, both companies were hired by NECC/Ameridose, but necessarily had to coordinate their work."

Upon information and belief, Liberty included an HVAC system in at least one cleanroom quote to NECC/Ameridose. To the extent that Victory is not a subcontractor of Liberty, the PSC still requests any and all documents and communications with Victory, Innovative Engineering Services, and/or any other contractor, subcontractor, or company that was present at the Framingham facility that Liberty communicated with in order to coordinate its work on the cleanrooms. The PSC also requests that Liberty provide a list of subcontractors for each respective cleanroom.

Additionally, with regard to Liberty's response to section III(b), where it suggests that a company other than Liberty installed the conveyor system to the 2006 cleanroom, the PSC requests that Liberty provide any and all documentation

to show that NECC/Ameridose declined to use Liberty's proposed conveyor system, as there is no evidence to suggest that another company, American Conveyor or otherwise, installed the conveyor system.

And finally, the response given for section III(c) does not adequately address the document request. The request asks for all documents related to requests for additional materials, repairs, rework, etc. Requests for additional materials would clearly include any orders for Liberty products, through its website or otherwise, from 2006 through 2013. Upon information and belief, materials and/or products were ordered from Liberty by NECC/Ameridose after April 3, 2008, contrary to what your response suggests. In addition, Liberty has not provided any signed job completion sign-off sheets for the 2006 and 2008 cleanrooms.

A timely production of the requested materials is greatly appreciated.

If you have any questions, please feel free to contact me.

Thank you,
Jennifer

Jennifer Frushour Bean, Esq. | Associate

The Miller Law Firm, P.C. | 950 West University Drive, Suite 300, Rochester, MI 48307

Office: 248.841.2200 | Direct Dial: 248.609.7612 | Fax: 248.652.2852

www.millerlawpc.com

From: Marc Lipton [<mailto:Marc@liptonlaw.com>]

Sent: Thursday, December 19, 2013 7:15 PM

To: Jennifer Frushour Bean; ndorman@rosekallor.com

Subject: FW: Liberty Industries

Jen,

Please address this with Ms. Dorman, as I am leaving town on Saturday.

thank you

Marc E. Lipton

Managing Partner

Lipton Law

18930 West Ten Mile Road

Suite 3000

Southfield, MI 48075

(O) 248-557-1688

(F) 248-557-6344

(F) 248-282-2466 NOTE THE NEW DIRECT FAX NUMBER

www.liptonlaw.com

From: Nicole Dorman [<mailto:ndorman@rosekallor.com>]

Sent: Thursday, December 19, 2013 5:06 PM

To: Marc Lipton

Subject: Liberty Industries

Dear Attorney Lipton,

Attached is a disclaimer of coverage from Central Insurance. This was accompanied by notice from Liberty's agent that Central Insurance intends to drop Liberty when the current policy expires. I believe we have yet to receive coverage analyses from Great American and Firemen's Fund. One Beacon wrote to report it wanted to investigate further before making a final decision.

Since the mediation will address Liberty's liability, in order to prepare a position statement, I will want to access the non-medical document repository maintained by U.S. Legal. But the \$3000 upfront payment is yet another financial burden. Will the PSC consider exempting Liberty from having to pay this fee?

Nicole Dorman

Nicole D. Dorman, Esq.
Rose Kallor, LLP
750 Main Street, Suite 606
Hartford, CT 06103
Telephone (860)748-4660 Ext. 25
Fax (860)241-1547
ndorman@rosekallor.com

This message and any attachments contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission.